

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 98-3904

Stephanie Doran; Melanie Erin Doran; Justin Michael Doran; Elsa Louise Doran, by and through their mother, Stephanie Doran,

Appellants,

V.

Patrick F. Condon, Deputy Lancaster County Attorney; Robert Thorson, Sergeant, Nebraska State Patrol; Todd Kinghorn, Investigator, Nebraska State Patrol; Kevin Knorr, Investigator, Nebraska State Patrol; Dan Doggett, Investigator, Nebraska State Patrol; Jud McKinstry, Investigator, Nebraska State Patrol; John Does, Five Unknown Officers of the Nebraska State Patrol, in their individual capacities; County of Lancaster; State of Nebraska,

Appellees.

Appeal from the United States
District Court for the Western
District of Nebraska.

[UNPUBLISHED]

Submitted: May 14, 1999

Filed: May 24, 1999

Before LOKEN, HANSEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

The plaintiffs, Stephanie Doran and her children, appeal the district court's¹ order granting partial summary judgment to the defendants in this 42 U.S.C. § 1983 lawsuit. The defendants are the Lancaster County Attorney and officers of the Nebraska State Patrol. In their complaint, the Dorans alleged that the defendants violated their constitutional rights by obtaining a search warrant through material false statements and omissions. The Dorans also alleged that the defendants used excessive force when executing the warrant at their home in Lincoln, Nebraska. In its summary judgment order, the district court granted qualified immunity to the defendants on the search warrant application issue but denied qualified immunity on the excessive force claim.

On appeal, the Dorans assert that material issues of fact about whether the defendants made material false statements or omissions in the warrant application preclude summary judgment. Having carefully reviewed the record and the parties' briefs, we conclude that the district court properly granted partial summary judgment on this issue. The undisputed facts demonstrate that the defendants were at most negligent and otherwise acted in an objectively reasonable manner in light of the facts known to them. See Waddell v. Forney, 108 F.3d 889, 890 (8th Cir. 1997) (noting we

¹The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

consider "whether, in view of the facts that the district court deemed sufficiently supported for summary judgment purposes, the individual defendants' conduct was objectively reasonable given their knowledge and the clearly established law").

Accordingly, we affirm the district court's partial grant of summary judgment.
See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT